

REMARKS

This Amendment is being filed in response to the Final Office Action mailed on September 22, 2008, which has been reviewed and carefully considered. Entry of the present amendment and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-11 and 13 remain in this application, where claim 12 had been canceled. Claims 1 and 9 are independent.

In the Final Office Action, claim 11 is rejected under 35 U.S.C. §112, first paragraph. Without agreeing with the position forwarded in the Final Office Action, and in the interest of advancing prosecution, independent claim 11 has been amended for better clarity and conformance with the specification, such as page 1, line 9. Accordingly, withdrawal of the rejection to claim 11 under 35 U.S.C. §112, first paragraph is respectfully requested.

In the Final Office Action, the Examiner indicated that claims 1-8 are allowed. Applicants gratefully acknowledge the indication that claims 1-8 are allowed. Further, as the rejection to claim 11 under 35 U.S.C. §112, first paragraph has been overcome, it is

respectfully requested that claims 11 and 13 also be allowed at least based on their dependence from independent claim 1.

In the Final Office Action, claims 9-10 and 13 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent Application Publication No. 2006/0204515 (Van Der Brug). It is respectfully submitted that claims 9-10 and 13 are patentable over Van Der Brug for at least the following reasons.

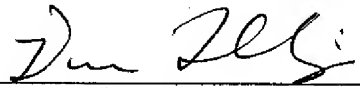
It is respectfully submitted that Van Der Brug is not prior art to the present application. The present application has an effective filing date of December 3, 2003, which is before the Van Der Brug publication date of September 14, 2006. Further, the effective date of Van Der Brug is, at best, its PCT filing date of March 31, 2004 (and not its foreign priority claim date of April 10, 2003). That is, Van Der Brug was filed and published after the effective filing date of the present application. As the effective filing date of the present application of December 3, 2003 is before the Van Der Brug PCT filing date of March 31, 2004, Van Der Brug is not available as prior art with regard to the present application. Accordingly, it is respectfully requested that claims

9-10 and 13 be allowed.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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